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**From:** Wittenberg, Nicholas [wittenberg.nicholas@epa.gov]  
**Sent:** 3/11/2019 2:59:18 PM  
**To:** Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]  
**CC:** Keigwin, Richard [Keigwin.Richard@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Miller, Wynne [Miller.Wynne@epa.gov]; Barber, Delores [barber.delores@epa.gov]; Syed, Hamaad [Syed.Hamaad@epa.gov]; Ingram, Earl [Ingram.Earl@epa.gov]  
**Subject:** FW: Awareness Notification - Consultation from Fish and Wildlife Service - EPA-HQ-2018-008773  
**Attachments:** DOI Consultation Original FOIA, Mtownsend.pdf; DOI Consultation, Margaret Townsend.pdf

Good Afternoon Charlotte, Nancy, and Erik,

The Equity Review email to OCSPP leadership for this matter was sent on 03/06/19.

After your approval, the Awareness Review email was sent under the new FOIA Efficiency Memo guidelines in which OGC advised that it only be sent to the identified positions in that memo.

However, we wanted to make sure all in OCSPP leadership received the Awareness Review email so that we can be on the same page which is why I am forwarding a copy for your records.

Please let me know if there any questions.

Thank you,  
Nick

Nicholas Wittenberg  
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United States Environmental Protection Agency  
Office of Pesticide Programs  
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Public Information & Records Integrity Branch  
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**From:** Wittenberg, Nicholas  
**Sent:** Monday, March 11, 2019 10:57 AM  
**To:** White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Ingram, Earl <Ingram.Earl@epa.gov>  
**Subject:** Awareness Notification - Consultation from Fish and Wildlife Service - EPA-HQ-2018-008773

Good Morning All,

The Office of Pesticides Programs (OPP) is responding to the above-referenced FOIA request for the March 2019 production for Consultation from Fish and Wildlife Service (EPA-HQ-2018-008773). This an Interim Production for this

matter. This FOIA originated from the Center for Biological Diversity (CBD) from its requestor Margaret Townsend who filed the request with Fish and Wildlife Service (FWS). In FWS's review they came across documents that had EPA custodians. Please note that this request is currently the subject of litigation, *CBD v. FWS, EPA*, (1:18-cv- 00342).

As part of the Consultation Process they have reached out to OPP to review the documents before they are posted.

We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "[Awareness Notification Process for Select Freedom of Information Act Releases](#)". Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester(s). The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the November 16, 2018 memorandum.

[OPP]							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-008773	Consultation FWS: Eileen Harke  FOIA Requestor: Margaret Townsend	Center for Biological Diversity	06/19/2018	03/11/2019	Noted below.	Interim	77 Documents/ 371 Pages

**Brief description of request as clarified:**

"The Center requests the following records from the U.S. Fish & Wildlife Service ("FWS"):

1. All records mentioning, including, and/or referencing the draft and/or final biological evaluation of chlorpyrifos under the Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA");
2. All records mentioning, including, and/or referencing the draft and/or final biological evaluation of malathion under the ESA;
3. All records mentioning, including, and/or referencing the draft and/or final biological evaluation of diazinon under the ESA;
4. All records mentioning, including, and/or referencing the draft and/or final biological evaluation of carbaryl under the ESA;
5. All records mentioning, including, and/or referencing the draft and/or final biological evaluation of methomyl under the ESA;
6. All records mentioning, including, and/or referencing the draft and/or final biological opinion of chlorpyrifos under the ESA;

7. All records mentioning, including, and/or referencing the draft and/or final biological opinion of malathion under the ESA
8. All records mentioning, including, and/or referencing the draft and/or final biological opinion of diazinon under ESA; and

Please note that this portion of the request (Items #1-8) does not apply to documents found online or under the docket EPA-HQ-OPP-2016-0167.

9. All draft and/or final maps, digital, print or otherwise, including Geographic Information System ("GIS") data therein, regarding the location of every threatened and/or endangered species for all domestic species (U.S. States and territories) prepared by FWS from January 1, 2013 to the date of this search.

Please note that this portion of the request does not apply to:

1. Species where FWS believes in good faith that the release of such data would lead to an increase in poaching or collecting of such species;
2. Records found online; or
3. Records held under the docket EPA-HQ-OPP-2016-0167."

The following offices have equities in these records and have reviewed the relevant records:

OCSP

The manager who approved this release is: Earl Ingram

The records are:

     attached

X may be found at the following link: [https://usepa-my.sharepoint.com/:b:/r/personal/wittenberg\\_nicholas\\_epa.gov/Documents/EPA-HQ-2018-008773-%20Consult%20w%20EPA\\_77%20docs\\_371%20pages\\_Combined%20Redacted.pdf?csf=1&e=mhlAGK](https://usepa-my.sharepoint.com/:b:/r/personal/wittenberg_nicholas_epa.gov/Documents/EPA-HQ-2018-008773-%20Consult%20w%20EPA_77%20docs_371%20pages_Combined%20Redacted.pdf?csf=1&e=mhlAGK)

Please let me know if there any questions.

Thank you,  
Nick

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